

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PETER CONIGLIO; MINXUAN QIU a.k.a.
MINXUAN QIU,

Plaintiffs,

JUDGMENT
20-cv-1342-FB

-against-

MERRICK GARLAND, in his official capacity as
Attorney General of the United States; ALEJANDRO
MAYORKAS, in his official capacity as Secretary of
the Department of Homeland Security; TRACY
RENAUD, in her official capacity as Acting Director of
United States Citizenship and Immigration Services,

Defendants.

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A Memorandum and Order of Honorable Frederic Block, United States District Judge,
having been filed on August 17, 2021, denying the Government's motions to dismiss and for
summary judgment; issuing partial judgment in favor of Qiu and Coniglio on their First and
Second Claims for Relief. Celotex Corp. v. Catrett, 477 U.S. 317, 326 (1986); granting Qiu and
Coniglio the following relief: (1) First, the Court SETS ASIDE USCIS's decision to revoke its
prior approval of Qiu and Coniglio's Form I-130 petition pursuant to 5 U.S.C. § 706(2)(A); (2)
Second, the Court DECLARES USCIS's interpretation of the phrase "had not reached the age of
18 years" in 8 U.S.C. § 1101(b)(1)(B) to be contrary to law and ENJOINS USCIS from
adjudicating Qiu and Coniglio's petition based upon its unlawful interpretation; (3) Third, the
Court DECLARES Qiu to be a "child" within the meaning of 8 U.S.C. § 1101(b)(1)(B); (4)
Fourth, the Court ORDERS USCIS to reinstate the I-130 Petition unless the reversal of USCIS's
revocation results in automatic reinstatement of the same; it is

ORDERED and ADJUDGED that the Government's motions to dismiss and for summary judgment are denied; that the Court, sua sponte, ENTERS partial judgment in favor of Qiu and Coniglio on their First and Second Claims for Relief. Celotex Corp. v. Catrett, 477 U.S. 317, 326 (1986); that Qiu and Coniglio are granted the following relief: **First**, the Court **SETS ASIDE** USCIS's decision to revoke its prior approval of Qiu and Coniglio's Form I-130 petition pursuant to 5 U.S.C. § 706(2)(A); **Second**, the Court **DECLARES** USCIS's interpretation of the phrase "had not reached the age of 18 years" in 8 U.S.C. § 1101(b)(1)(B) to be contrary to law and **ENJOINS** USCIS from adjudicating Qiu and Coniglio's petition based upon its unlawful interpretation; **Third**, the Court **DECLARES** Qiu to be a "child" within the meaning of 8 U.S.C. § 1101(b)(1)(B); **Fourth**, the Court **ORDERS** USCIS to reinstate the I-130 Petition unless the reversal of USCIS's revocation results in automatic reinstatement of the same; and that the terms of the preceding Order do not bind the United States Department of State, its Foreign Service, or any consular employee.

Dated: Brooklyn, NY
August 25, 2021

Douglas C. Palmer
Clerk of Court

By: /s/Jalitza Poveda
Deputy Clerk